



WASHOE COUNTY

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CM/ACM	
Finance	<u>DN</u>
DA	<u>✓</u>
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Other	<u>N/A</u>

STAFF REPORT

BOARD MEETING DATE: October 28, 2014

DATE: October 16, 2014

TO: Board of County Commissioners

FROM: Bob Webb, Planning Manager, Planning and Development Division
Community Services Department, 328-3623, bwebb@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Presentation, discussion and possible direction to staff concerning business licenses issued for special events, outdoor community events, or outdoor festivals. (All Commission Districts.)

SUMMARY

Presentation on current County codes and procedures concerning the licensure of special events, outdoor community events, or outdoor festivals. The presentation will include proposed improvements for the licensure process for those types of events. Discussion and possible direction to staff on the current or proposed licensure process for those types of events.

Washoe County Strategic Objective supported by this item: Economic development and diversification.

PREVIOUS BOARD ACTION

No previous action.

BACKGROUND

During the September 23, 2014, Washoe County Board of County Commissioner's (Board) meeting, Commissioner Weber requested an update from staff on the special events business license process.

Special events is a term used to describe activities providing temporary sales or services (to include events which charge admission for spectators) which are open or advertised to the public and conducted in a location other than a permanent building or facility which has been constructed and licensed to accommodate the number of people anticipated to conduct or attend the event. Events conducted on lands owned or managed by Washoe

AGENDA ITEM # 25

County Regional Parks, or held on Nevada State, trust, tribal or federal lands, do not require a Washoe County special events license.

The Business License Ordinance (Washoe County Code (WCC) Chapter 25) provides for three different types of special events:

- ***Special event license.*** 99 or less spectators or participants on any one day of the event. These licenses are approved and issued by Business License staff. Examples include:
 - Repetitive garage/yard sales which are held for more than 72 hours in duration, or more than twice on the same property in a six-month period (otherwise, these activities would be exempt from obtaining a business license).
 - Farmer's markets.
 - Seasonal sales of fruits and vegetables.
 - Carnivals associated with other activities (e.g., the annual Sun Valley General Improvement District open house).
 - Vendors in Gerlach and near Empire for the annual Burning Man event.
- ***Outdoor community event.*** 100 or more, but less than 1,000, spectators or participants on any one day of the event. This license is issued for a single event, which cannot exceed 10 consecutive days in duration. These licenses are approved by either the Director of the Planning & Development Division or the Washoe County Board of Adjustment (depending on the size of the event), and licenses are issued by the Director. Examples include:
 - The Incline Village Fine Art Festival (approved by the Director).
 - Lake Tahoe Summerfest (approved by the Board of Adjustment).
- ***Outdoor festival.*** 1,000 or more spectators or participants on any one day of the event. This license is issued for a single event, and the duration of the event is established when the license is issued. These licenses are approved by the Washoe County Board of County Commissioners pursuant to NRS, and licenses are issued by the Director of the Planning & Development Division. Examples include:
 - The annual Reno-Tahoe Open golf tournament (now entitled the Barracuda Championship golf tournament).
 - The annual Red, White and Tahoe Blue celebration at Incline Village.

There are differing review and submission requirements for each of the three types of special events. The following describes the requirements for each type of event.

Special event license.

License applications are accepted and reviewed by Business License staff. License staff requests the applications be submitted 30 days before the first day of the event, to provide sufficient time for the applicant to obtain agency approval if required. The application and license fee is \$65. Most special event licenses are valid for 31 days in a calendar year, with the following exceptions:

- Animal show (domestic or large animals) licenses are valid for a maximum of seven consecutive days.
- Christmas tree sales are allowed between Thanksgiving Day and December 31.
- Pumpkin patches are allowed from October 1 to November 5.
- Seasonal firewood sale licenses are valid for 90 days between September 1 and March 1.

Applications will be reviewed by the following agencies when the event proposes:

- To use tents or other temporary structures or facilities (review by the Building and Safety Division).
- To sell or provide food or other edible/drinkable products (must obtain a temporary food permit from the Washoe County Health District). If the event proposes to serve intoxicating liquors, the applicant must also apply for and receive a temporary intoxicating liquor license from Washoe County business license.
- To use public roads as part of the event (review by the Washoe County Sheriff's Office, and the Engineering & Capital Projects Division).
- To have vendors or staff on site each day for several days (review by the Washoe County Health District for water, sanitation and garbage disposal).
- To either sell potentially flammable products (e.g., Christmas tree sales) or having people near potentially flammable displays (e.g., Pumpkin patches with bales of hay) (review by the appropriate Fire District).
- To sell seasonal firewood (review by the Planning & Development Division for land use and zoning requirements).

Applicants will be provided with an agency sign off/approval list, and must return the list with agency approvals or conditions before the license can be issued. Agencies may charge their own review and/or inspection fees (e.g., the Building and Safety Division charges a \$50 business license inspection fee). Special event license applications which require no agency review will typically be approved and issued "over the counter". The applicant must specify the dates when the special event will occur, and those dates will be included as part of the approved license.

Many events include vendors or participants selling goods or providing services from booths. Washoe County will license the event promoter and not each individual booth vendor/participant. It is the responsibility of the event promoter to ensure that each vendor or participant obtains any required additional County permits or licenses (e.g., obtain a temporary food permit if selling or providing food). In addition to the \$65 application/license fee, the event promoter will be charged a booth fee based on the number of booths.

Number of booths	Additional fee	Number of booths	Additional fee
1 to 4 booths	\$ 25	50 to 59 booths	\$ 300
5 to 9 booths	\$ 50	60 to 69 booths	\$ 350
10 to 19 booths	\$ 100	70 to 79 booths	\$ 400
20 to 29 booths	\$ 150	80 to 89 booths	\$ 450
30 to 39 booths	\$ 200	90 to 100 booths	\$ 500
40 to 49 booths	\$ 250	More than 100 booths	\$ 500 plus \$5 for each additional booth

Outdoor community event.

License applications are accepted by Business License staff and must, by County Code, be submitted at least 90 days before the first day of the event. The non-refundable application fee is \$50. There is a \$350 license fee for each day of the event, and an additional one-time booth fee if the event proposes to include other vendors or participants selling goods or providing services from booths (see the booth fee schedule under special event licenses). The daily license and booth fees must be paid in full before the license will be issued.

Outdoor community events are regulated in both the Business License Ordinance (WCC Chapter 25) and the Development Code (WCC Chapter 110). There are two levels of review and approval, depending upon the number of spectators or participants on any one day of the event:

1. *100 to 299 spectators or participants on any one day of the event.* The Director of the Planning & Development Division (Director) reviews and approves the license application.
2. *300 to 999 spectators or participants on any one day of the event.* Requires an administrative permit approved by the Washoe County Board of Adjustment (BOA). The license application suffices for the administrative permit application, and no additional fees are charged for the administrative permit. The BOA grants the administrative permit and, in the same action, approves the license application.

All applications must be reviewed by the following agencies for:

- Criminal history inquiry for potential disqualifying convictions of the applicant (event promoter). Second and subsequent applications by an applicant do not require a full criminal history inquiry (i.e., FBI fingerprints) and a local police records check will suffice for the inquiry. (Washoe County Sheriff's Office)
- Police protection and security (public or private). (Washoe County Sheriff's Office)
- Food, water, sanitation, garbage disposal, and medical services. (Washoe County Health District)
- Access, traffic, parking, camping and illumination. (Engineering & Capital Projects Division)
- Hours of operation. (Planning & Development Division)
- Fire protection. (appropriate Fire District)

- Financial ability to meet any conditions imposed as part of the license. (Planning & Development Division)
- Indemnification and insurance. (Risk Management Division)
- Performance security to cover any conditions associated with removing debris, trash or other waste from, in or around the event. (District Attorney's Office)

Agencies may recommend conditions to be included as part of the license application approval. Conditions are expressed as pre-event, during-event or post-event. Pre-event conditions must be satisfied before the outdoor community event license is issued. During-event and post-event conditions are monitored by the agency imposing the condition. The Director or the BOA may impose these conditions as part of their approval.

After the license application is approved by either the Director or the BOA, Business License staff works with the applicant to ensure that any imposed pre-event conditions are satisfied within the time frames established as part of the approval. The outdoor community event license will be issued once all license fees (daily and booth if appropriate) are paid, and all pre-event conditions are satisfied. The Director issues (signs) the outdoor community event license.

Outdoor community event licenses are valid only for a single event. Washoe County Code Section 110.310.20 limits these events to no more than 10 consecutive days in duration.

Outdoor festival.

The outdoor festival license process is similar to the outdoor community event license process with the following exceptions:

- The non-refundable application fee is \$1,000. The daily \$350 license fee and an additional one-time booth fee, if applicable, apply.
- Outdoor festivals are regulated solely by the Business License Ordinance (WCC Chapter 25).
- Applications are reviewed for the same matters and by the same agencies as an outdoor community event, with the following additional review:
 - Medical licensing for events with 2,500 or more people attending on any one day. (Washoe County Health District)
- Outdoor festival license applications are approved by the Washoe County Board of County Commissioners (Board) pursuant to NRS, who may include conditions as part of the approval.
- Outdoor festival licenses are valid only for a single event. There is no Code mandated limitation on the duration of the event except any duration specified in the Board's approval.

Improvements to the special events license processes.

Commissioner Weber's request for this agenda item included a request for discussion on possible improvements to the special events license process. Staff has been working for the past several months on a general update to the Business License Ordinance (WCC Chapter 25) to mirror similar updates to the Liquor and Gaming Ordinance (WCC Chapter 30) adopted by the Board in January of 2014. The update will include changes to the special events license processes.

Recommendations to improve the special events license process contemplated by staff include:

Special event license. Staff believes that the licensing process for the types of smaller events is streamlined. Business license staff accepts, reviews and issues these licenses. The vast majority of the license applications require no outside agency review and are issued "over the counter". Applicants are free to manage those vendors or participants operating from booths, rather than requiring each individual booth operator to obtain a separate County business license. Those booths requiring permits for their operation (e.g., to sell food products) need only obtain those agency permits after the event promoter receives their event business license. Improvements to the process could include:

1. Consolidating references to special event licenses within the Business License Ordinance sections addressing outdoor community events and outdoor festivals. In this fashion, all regulations pertaining to these types of events will appear in one place within the Business License Ordinance.
2. Retain the agency review requirements for a special event license at the discretion of license staff if proposed event activities or conditions warrant review. Enable business license staff to approve a license application with or without conditions, or to deny the application. Retain current code provisions that allow any denial to be appealed to the Washoe County Board of County Commissioners.
3. Requiring business license staff to validate adequate parking availability for the event. Parking is the most common complaint received for special event licenses, and adding this requirement will encourage applicants to prepare a parking plan which should reduce parking related complaints when the event occurs.

Outdoor community event. Staff believes that the dual regulations within the Business License Ordinance and the Development Code can be streamlined to make the process easier for both the applicant and staff. As part of the streamlining effort, staff proposes that the administrative permit process required by the Development Code for events with over 300 spectators/participants be removed as that permit process unnecessarily adds an additional level of review and public hearings to events that could easily be administratively reviewed and approved (particularly since the Planning & Development Division Director already approves events of less than 300 spectators/participants). Improvements to the process could include:

1. Remove the regulation requiring an administrative permit for an outdoor community event. Modify the Business License Ordinance so the Planning & Development Division Director reviews and approves all outdoor community event applications.
2. Include a provision requiring the Director to notice surrounding property owners about any proposed outdoor community events and to solicit comments for consideration in the review of the license application.
3. Retain the agency review requirements for an outdoor community event. Enable the Director to approve a license application with or without conditions, or to deny the application. Include a provision that any decisions by the Director may be appealed to the Washoe County Board of County Commissioners.
4. Streamline the Development Code to regulate that an outdoor community event business license is not required when the event will be held at or in facilities designed, and licensed and permitted, for such events. Stipulate that if the part of the event will be held on ancillary support facilities (such as a parking lot), then an outdoor community event business license is required for those parts of the event.

Outdoor festival. Staff believes that the licensing process for outdoor festivals is working well and requires only minor improvements. The Washoe County Board of County Commissioners reviews and approves these large events, which conforms to NRS requirements for a governing body to approve events with more than 1,000 people attending on any one day of the event. Improvements to the process could include:

1. NRS requires that a governing body conduct a public hearing on any outdoor festival application within 30 days of application receipt. This timeframe does not allow sufficient time for public agencies to review the application, and to provide meaningful recommended conditions for the event. In practice, staff has requested license applicants waive this requirement in writing, provided that the Washoe County Board of County Commissioners holds a public hearing no more than 90 days after application receipt and no less than 15 days before the event's start date. Staff proposes to codify this practice.
2. Retain the public noticing requirements for outdoor festivals, but remove distance noticing references to the Development Code. Instead, staff proposes that the current distance noticing requirements of 500 feet be placed within the Business License Ordinance

Staff requests that the Washoe County Board of County Commissioners provide direction on the suggested improvements to all three license processes listed above, together with any additional process improvements.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners receive the presentation, discuss and provide direction to staff, concerning business licenses issued for special events, outdoor community events, or outdoor festivals.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to provide the following direction to staff concerning business licenses issued for special events, outdoor community events, or outdoor festivals (insert direction).”

xc: Washoe County business license staff (Karin Kremers and Renée Schebler)

Special Events Licensure

Washoe County Commission
October 28, 2014



Special Events Licensure

- **Background**
- **Three types of special events**
 - Special events
 - Outdoor community events
 - Outdoor festivals



Special Events Licensure

Special Events

- Temporary sales or services
- Open or advertised to the public
- Conducted in a location other than a permanent building/facility
- No license required if conducted on Parks, State, trust, tribal or federal lands



Special Event License

One of the three types of special events

- **99 or less spectators/participants on any one day**
- **Approved and issued by business license staff**
 - Repetitive yard/garage sales
 - Farmer's markets
 - Pumpkin Patches



Special Event License

- \$65 application and license fee
- Valid for 31 days in a calendar year
 - Exceptions in staff report (Pumpkin Patches)
- Agency review only when needed
 - Selling or providing food
 - Using tents or other temporary structures
 - Roads, sanitation, fire, and planning



Special Event License

- License applications with no agency review approved “over the counter”
- Applicant must specify dates of event
- May include vendors operating from booths
 - Additional single booth fee (see staff report)
 - Vendor obtains any required permits (e.g., food permit)



Outdoor Community Event

Second of the three types of special events

- 100 or more, but less than 1,000, spectators/
participants on any one day
- Approved by either:
 - P&D Director (100 to 299)
 - Incline Village Fine Arts Festival
 - Board of Adjustment (300 to 999)
 - Lake Tahoe Summerfest



Outdoor Community Event

- **\$50 non-refundable application fee**
 - 90 days before event
 - \$350 daily license fee and additional single booth fee
- **Valid for a single event, limited to 10 consecutive days by Code**



Outdoor Community Event

- **Code required agency review (conditions)**
 - Criminal history inquiry
 - Police protection and security
 - Food, water, sanitation, garbage disposal, medical services
 - Access, parking, camping, illumination
 - Hours of operation



Outdoor Community Event

- **Required agency review (continued)**
 - Fire protection
 - Financial ability to meet imposed conditions
 - Indemnification and insurance
 - Remove debris, trash or other waste
(performance security)



Outdoor Community Event

- **Pre-event, during-event or post-event conditions – approved by Director or BOA**
 - Agency responsible to monitor conditions
 - Agency reports to license staff as needed
- **After approval, pre-event conditions satisfied**
- **Director issues event license**



Outdoor festival

Last of the three types of special events

- **1,000 or more spectators/participants on any one day**
- **Approved by the BCC (NRS mandate)**
 - Barracuda Championship Golf Tournament
(previously the Reno-Tahoe Open)
 - Red, White and Tahoe Blue



Outdoor Festival

- **\$1,000 non-refundable application fee**
 - 90 days before event
 - \$350 daily license fee and additional single booth fee
- **Valid for a single event, duration set in the BCC's approval**



Outdoor festival

- **Required agency review**
 - Same 9 categories and agencies as for an outdoor community event
- **BCC approves pre-event, during-event and post-event conditions**
 - Agency responsible to monitor conditions
 - Agency reports to license staff as needed



Outdoor festival

- After BCC approval, pre-event conditions satisfied
- Director issues license for BCC



Suggested improvements

Special event license

- **Currently streamlined and typically issued over the counter**
- **Possible improvements**
 - Consolidate all special events regulations into a single area within Code
 - Retain agency review requirements on an as needed basis



Suggested improvements

Special event license

- **Possible improvements (continued)**
 - Retain current provisions for denial appeals to be sent to BCC
 - Require business license staff to validate that adequate parking is available



Suggested improvements

Outdoor community event

- Possible improvements
 - Remove dual regulations in business license code and Development Code
 - Remove requirement for an administrative permit, modify code so that all such events are administratively approved by Director
 - Modify so approval establishes event duration



Suggested improvements

Outdoor community event

- **Possible improvements (continued)**
 - Require Director to notice surrounding property owners and to solicit comments
 - Retain agency review requirements
 - Retain current provisions for denial appeals to be sent to BCC
 - Clarify that license is needed for parking lots and other similar support facilities



Suggested improvements

Outdoor festival

- **Current process works well given NRS mandate**
- **Possible improvements**
 - Codify current practice which allows more than the mandated 30 days from application to BCC hearing
 - No more than 90 days after application and no less than 15 days before event
 - Retain agency review and public noticing requirements



Special Events Licensure

Questions?

